

AMENDED IN SENATE MARCH 7, 2005

AMENDED IN SENATE FEBRUARY 1, 2005

Senate Resolution

No. 10

Introduced by Senator Perata

January 27, 2005

Senate Resolution No. 10—Relative to the Standing Rules of the Senate for the 2005–06 Regular Session.

1 *Resolved by the Senate of the State of California, That Rule 2*
2 ~~of the Standing Rules of the Senate for the 2005–06 Regular~~
3 ~~Session is amended to read:~~ *are amended as follows:*

4 *FIRST—That Rule 2 is amended to read:*

5
6 Calling to Order

7
8 2. The President pro Tempore, Assistant President pro
9 Tempore, Vice Chair of the Committee on Rules, or senior
10 member present shall call the Senate to order at the hour stated
11 and, if a quorum is present, shall proceed with the order of
12 business.

13 ~~; and be it further~~

14 ~~*Resolved by the Senate of the State of California, That Rule 3*~~
15 ~~*of the Standing Rules of the Senate for the 2005–06 Regular*~~
16 ~~*Session is amended to read:*~~

17 ~~*SECOND—That Rule 3 is amended to read:*~~

18
19 Attendance of Senators

20
21 3. No Senator may absent himself or herself from attendance
22 upon the Senate without first obtaining leave. A lesser number

1 than a quorum of the Senate is authorized to send the Sergeant at
2 Arms for any and all absent Senators at the expense of the absent
3 Senators, unless an excuse for nonattendance made to the Senate
4 when a quorum is present shall be judged sufficient, and in that
5 case the expense shall be paid out of the Senate Operating Fund.
6 The President pro Tempore or Assistant President pro Tempore,
7 or less than a quorum present, shall have the power to issue
8 process directly to the Sergeant at Arms to compel the attendance
9 of Senators absent without leave. Any Senator who refuses to
10 obey that process, unless sick or unable to attend, shall be
11 deemed guilty of contempt of the Senate, and the Sergeant at
12 Arms shall have power to use force as may be necessary to
13 compel the attendance of the absent Senator, and for this purpose
14 he or she may command the force of the county, or of any county
15 in the state.

16 ~~; and be it further~~

17 ~~Resolved by the Senate of the State of California, That Rule 5~~
18 ~~of the Standing Rules of the Senate for 2005–06 Regular Session~~
19 ~~is amended to read:~~

20 *THIRD—That Rule 5 is amended to read:*

21
22 Executive Sessions
23

24 5. When a motion is adopted to close the doors of the Senate,
25 on the discussion of any business that may require an executive
26 session, he or she who is presiding shall require all persons,
27 except the Senators, Secretary, Minute Clerk, and Sergeant at
28 Arms, to withdraw, and during the discussion of that business the
29 doors shall remain closed. Every Senator and officer present shall
30 keep secret all matters and proceedings concerning which
31 secrecy shall be enjoined by order of the Senate.

32 ~~; and be it further~~

33 ~~Resolved by the Senate of the State of California, That Rule 6~~
34 ~~of the Standing Rules of the Senate for the 2005–06 Regular~~
35 ~~Session is amended to read:~~

36 *FOURTH—That Rule 6 is amended to read:*

37
38 The President
39

40 6. The President may preside upon invitation of the Senate.

1 ~~; and be it further~~

2 ~~Resolved by the Senate of the State of California, That Rule 7~~
3 ~~of the Standing Rules of the Senate for the 2005–06 Regular~~
4 ~~Session is amended to read:~~

5 *FIFTH—That Rule 7 is amended to read:*

6
7 The President pro Tempore

8
9 7. The President pro Tempore shall take the Chair and call
10 the Senate to order at the hour of the meetings of the Senate. The
11 President pro Tempore is the Presiding Officer of the Senate.

12 It shall be the particular responsibility of the President pro
13 Tempore to secure the prompt and businesslike disposition of
14 bills and other business before the Senate. He or she shall
15 maintain order in the Senate Chamber and, in case of a
16 disturbance or disorderly conduct outside the bar or in the
17 gallery, he or she shall have the power to order the same cleared.

18 The President pro Tempore shall serve ex officio as a member
19 of all Senate and joint committees of which he or she is not a
20 regular member, with all of the rights and privileges of that
21 membership except the right to vote. In counting a quorum of
22 any of these committees, the President pro Tempore may not be
23 counted as a member.

24 The Assistant President pro Tempore or the Vice Chair of the
25 Committee on Rules shall, in the absence of the President pro
26 Tempore, perform the duties, and have all powers and authority,
27 of the President pro Tempore.

28 ~~; and be it further~~

29 ~~Resolved by the Senate of the State of California, That Rule 8~~
30 ~~of the Standing Rules of the Senate for the 2005–06 Regular~~
31 ~~Session is amended to read:~~

32 *SIXTH—That Rule 8 is amended to read:*

33
34 The Assistant President pro Tempore

35
36 8. The President pro Tempore of the Senate may name a
37 Senator to perform the duties of the Chair in his or her absence.
38 The Senator so named shall be vested, during that time on the
39 floor, with all the powers of the President pro Tempore, and the

1 Senator who performs these duties shall be known as the
2 Assistant President pro Tempore.

3 In the absence of the President pro Tempore, the Assistant
4 President pro Tempore, or the Vice Chair of the Committee on
5 Rules, any Senator may perform the duties of the Chair.

6 ~~; and be it further~~

7 ~~Resolved by the Senate of the State of California, That Rule 12~~
8 ~~of the Standing Rules of the Senate for the 2005-06 Regular~~
9 ~~Session is amended to read:~~

10 *SEVENTH—That Rule 12 is amended to read:*

11
12 Standing Committees

13
14 12. The standing committees of the Senate and subjects to be
15 referred to each are set out below. The provisions set forth below
16 as to the assignment of bills are intended as a guide to the
17 Committee on Rules, but are not binding upon the committee.

18 (1) Agriculture, 9 members. Bills relating to agriculture.

19 (2) Appropriations, 13 members. Bills that are subject to Joint
20 Rule 10.5 and are not referred to the Budget and Fiscal Review
21 Committee. Bills that constitute a state-mandated local program.

22 (3) Banking, Finance and Insurance, 10 members. Bills
23 relating to financial institutions and retail credit interest rates.
24 Bills relating to insurance, *managed care*, indemnity, surety, and
25 warranty agreements.

26 (4) Budget and Fiscal Review, 17 members. The Budget Bill
27 and bills implementing the Budget. Bills that directly affect the
28 State Budget.

29 (5) Business, Professions and Economic Development, 7
30 members. Bills relating to business and professional practices,
31 licensing, and regulations other than bills relating to horse racing,
32 alcoholic beverages, oil, mining, geothermal, and forestry
33 industries. Bills relating to economic development, commerce
34 and international trade.

35 (6) Education, 12 members. Bills relating to education, higher
36 education, and certificated educational personnel.

37 (7) Elections, Reapportionment, and Constitutional
38 Amendments, 6 members. Bills relating to elections and
39 reapportionment. Bills relating to constitutional amendments,

1 when favorably reported out of the standing committee having
2 jurisdiction of the subject matter.

3 (8) Energy, Utilities, and Communications, 11 members. Bills
4 relating to public utilities and carriers, energy companies,
5 alternative energy development and conservation, and
6 communications development and technology.

7 (9) Environmental Quality, 9 members. Bills relating to
8 environmental quality, air quality, water quality, integrated waste
9 management, recycling, toxics, and hazardous waste.

10 (10) Government Modernization, Efficiency and
11 Accountability, 10 members. Bills relating to state government
12 organization, the efficient delivery of state government services;
13 ~~and legislation permitting the use of state-controlled lands. Bills.~~
14 *Bills* that have been considered by other committees having
15 jurisdiction of the appropriate subject, for consideration of any
16 question relating to state government.

17 (11) Governmental Organization, 11 members. Bills relating
18 to horseracing, public gaming, and alcoholic beverages, ~~and bills~~
19 related to the management of public safety emergencies and
20 disaster response, *and bills regarding the use of state-controlled*
21 *lands and buildings, state publishing, seals, bonds, and interstate*
22 *compacts.*

23 (12) Health, 11 members. Bills relating to public health,
24 alcohol and drug abuse, mental health, managed care, and related
25 institutions.

26 (13) Human Services, 7 members. Bills relating to welfare,
27 social programs and services, and related institutions.

28 (14) Judiciary, 7 members. Bills amending the following:

29 (a) Civil Code, except measures related to retail credit interest
30 rates.

31 (b) Code of Civil Procedure.

32 (c) Evidence Code, except matters relating to criminal
33 procedure.

34 (d) Family Code.

35 (e) Probate Code.

36 (f) Bills relating to municipal and state court judgeships, court
37 attachés, and personnel. Bills relating to liens, claims, and
38 unclaimed property.

39 (15) Labor and Industrial Relations, 8 members. Bills relating
40 to labor, industrial safety, unemployment, workers'

1 compensation and insurance, and noncertificated public school
2 employees.

3 (16) Local Government, 7 members. Bills relating to local
4 governmental procedure and organization. Bills relating to land
5 use. Bills that have been considered by other committees having
6 jurisdiction of the appropriate subject, for consideration of any
7 questions relating to local government administration.

8 (17) Natural Resources and Water, 11 members. Bills relating
9 to conservation and the management of public resources, fish and
10 wildlife, regulation of oil, mining, geothermal development, acid
11 deposition, wetlands and lakes, global atmospheric effects, ocean
12 and bay pollution, coastal resources, forestry practices,
13 recreation, parks, and historical resources. Bills relating to water
14 supply management.

15 (18) Public Employment and Retirement, 5 members. Bills
16 relating to state and local nonschool public employees and public
17 employee retirement.

18 (19) Public Safety, 7 members. Bills amending the following:

19 (a) Evidence Code, relating to criminal procedure.

20 (b) Penal Code.

21 (c) Statutes of a penal nature not related closely to a subject
22 included in another subdivision of this rule.

23 (d) Bills relating to the Youth and Adult Corrections Agency.

24 (20) Revenue and Taxation, 8 members. Bills relating to state
25 and local revenues and taxation, except bills described in
26 subdivision (a) of Rule 28.9.

27 (21) Rules, 5 members. Proposed amendments to the rules and
28 other matters relating to the business of the Legislature.

29 (22) Transportation and Housing, 14 members. Bills relating
30 to the operation, safety, equipment, transfer of ownership,
31 licensing, and registration of vehicles, aircraft, and vessels. Bills
32 relating to the Department of Transportation and the Department
33 of Motor Vehicles. Bills relating to waterways, harbors,
34 highways, public transportation systems, and airports. Bills
35 relating to housing and community redevelopment.

36 (23) Veterans Affairs, 5 members. Bills relating to veterans,
37 military affairs, and armories. Bills amending the Military and
38 Veterans Code.

1 The standing committees of any regular session shall be the
2 standing committees of concurrent special or extraordinary
3 sessions unless otherwise ordered by the Senate.

4 ~~; and be it further~~

5 ~~Resolved by the Senate of the State of California, That Rule~~
6 ~~18.5 of the Standing Rules of the Senate for the 2005–06 Regular~~
7 ~~Session is amended to read:~~

8 *EIGHTH—That Rule 16 is amended to read:*

9 *Powers of Standing Committees*

10 *16. Each standing committee of the Senate to which a proposed*
11 *law or bill is assigned has full power and authority during the*
12 *session of the Legislature, or any recess thereof, to make an*
13 *investigation and study concerning any proposed law or bill as*
14 *the committee shall determine necessary to enable it to properly*
15 *act thereon.*

16 *In the exercise of the power granted by this rule, each*
17 *committee may appoint a secretary and employ clerical, legal,*
18 *and technical assistants as may appear necessary when money*
19 *has been made available therefor by the Senate.*

20 *Each standing committee is authorized and empowered to*
21 *summon and subpoena witnesses, to require the production of*
22 *papers, books, accounts, reports, documents, records, and papers*
23 *of every kind and description, to issue subpoenas, and to take all*
24 *necessary means to compel the attendance of witnesses and to*
25 *procure testimony, oral and documentary. However, no*
26 *committee may issue a subpoena, nor may a committee require*
27 *testimony under oath, without the prior approval of the*
28 *Committee on Rules.*

29 *The Sergeant at Arms, or other person designated by the*
30 *Sergeant at Arms or by the committee, shall serve any and all*
31 *subpoenas, orders, and other process that may be issued by the*
32 *committee, when directed to do so upon a vote of the majority of*
33 *the membership of the committee.*

34 *Each of the members of the standing committees is authorized*
35 *and empowered to administer oaths, and all of the provisions of*
36 *Chapter 4 (commencing with Section 9400) of Part 1 of Division*
37 *2 of Title 2 of the Government Code, relating to the attendance*
38 *and examination of witnesses before the Legislature and the*
39 *committees thereof, apply to the committees.*

1 *All officers of this state, including the head of each department,*
2 *agency, and subdivision thereof, all employees of the*
3 *departments, agencies, and subdivisions of the state, the*
4 *Legislative Counsel, and all other persons, whether connected*
5 *with the state government or not, shall give and furnish to these*
6 *committees upon request such information, records, and*
7 *documents as the committees deem necessary or proper for the*
8 *achievement of the purposes for which each standing committee*
9 *was created.*

10 *Each standing committee may meet at the State Capitol and do*
11 *any and all things necessary or convenient to enable it to*
12 *exercise the powers and perform the duties herein granted to it,*
13 *and may expend such money as may be made available by the*
14 *Senate for that purpose, except that no committee may incur any*
15 *indebtedness unless money has been first made available*
16 *therefor.*

17 *NINTH—That Rule 18.5 is amended to read:*

18
19 **Printing of Reports**
20

21 18.5. All requests for the printing of reports of Senate
22 committees shall be made to the Committee on Rules.

23 The Committee on Rules shall determine if the report is to be
24 printed, the number of copies needed, and whether or not the
25 report shall be printed in the Journal.

26 If the report is to be printed by the Office of State Publishing, it
27 shall hold the type for each Senate committee report for a period
28 of 90 days from the date of the first printing or for such other
29 time as the Committee on Rules deems necessary.

30 ~~; and be it further~~

31 ~~Resolved by the Senate of the State of California, That Rule 20~~
32 ~~of the Standing Rules of the Senate for the 2005-06 Regular~~
33 ~~Session is amended to read:~~

34 *TENTH—That Rule 20 is amended to read:*

35
36 **Parliamentary Rules**
37

38 20. In all cases not provided for by the Constitution, these
39 rules, the Joint Rules of the Senate and Assembly, *or* statute, ~~or~~
40 ~~custom and usage of the Senate~~, the authority shall be the latest

1 edition of Mason's Manual *or the custom and usage of the*
2 *Senate.*

3 ~~; and be it further~~

4 ~~*Resolved by the Senate of the State of California, That Rule*~~
5 ~~*29.5 of the Standing Rules of the Senate for the 2005-06 Regular*~~
6 ~~*Session is amended to read:*~~

7 *ELEVENTH—That Rule 29.5 is amended to read:*

8
9 Amended Forms of Measures

10
11 29.5. No bill, constitutional amendment, concurrent
12 resolution, joint resolution, or Senate resolution may be
13 considered for passage unless and until a copy of the measure as
14 last amended is on the desk of each Member in printed or
15 electronic form.

16 ~~; and be it further~~

17 ~~*Resolved by the Senate of the State of California, That Rule 30*~~
18 ~~*of the Standing Rules of the Senate for the 2005-06 Regular*~~
19 ~~*Session is amended to read*~~

20 *TWELFTH—That Rule 30 is amended to read:*

21
22 Special Order

23
24 30. Any measure or subject may, by vote of a majority of
25 those voting, be made a special order and, when the time fixed
26 for its consideration arrives, he or she who is presiding shall lay
27 it before the Senate.

28 ~~; and be it further~~

29 ~~*Resolved by the Senate of the State of California, That Rule 33*~~
30 ~~*of the Standing Rules of the Senate for the 2005-06 Regular*~~
31 ~~*Session is amended to read:*~~

32 *THIRTEENTH—That Rule 33 is amended to read:*

33
34 Enrolling Measures

35
36 33. All Senate measures shall be enrolled immediately
37 following their final passage and receipt from the Assembly. An
38 enrolled copy of every bill, constitutional amendment, or
39 resolution shall be printed and examined to ascertain that it is a
40 true and accurate copy of the measure as it was passed. It shall

1 then be authenticated by the signature of the Secretary of the
2 Senate or his or her designee, and the Chief Clerk of the
3 Assembly or his or her designee, and transmitted to the Governor
4 or Secretary of State, as the case may be.

5 ~~; and be it further~~

6 ~~Resolved by the Senate of the State of California, That Rule 34~~
7 ~~of the Standing Rules of the Senate for the 2005-06 Regular~~
8 ~~Session is amended to read:~~

9 *FOURTEENTH—That Rule 34 is amended to read:*

10
11 Statement of Motion

12
13 34. A motion may not be debated until it is distinctly
14 announced by he or she who is presiding, and it shall be reduced
15 to writing if desired by any Senator, and read by the Secretary,
16 before it is debated.

17 ~~; and be it further~~

18 ~~Resolved by the Senate of the State of California, That Rule 35~~
19 ~~of the Standing Rules of the Senate for the 2005-06 Regular~~
20 ~~Session is amended to read:~~

21 *FIFTEENTH—That Rule 35 is amended to read:*

22
23 Regulations as to Speaking

24
25 35. (a) When a Senator desires to address the Senate, he or
26 she shall rise in his or her place, address he or she who is
27 presiding, and, when recognized, proceed to speak through the
28 public address system.

29 (b) A Senator may not speak more than twice in any one
30 debate on the same day, and at the same stage of the bill, without
31 leave; Senators who have once spoken are not again entitled to
32 the floor (except for explanation) so long as any Senator who has
33 not spoken desires to speak.

34 (c) When two or more Senators arise at the same time to
35 address the Senate, ~~the presiding officer~~ *he or she who is*
36 *presiding* shall designate the Senator who is entitled to the floor.

37 (d) A Senator may not be interrupted when speaking, and no
38 question may be asked of him or her except through ~~the presiding~~
39 ~~officer~~ *he or she who is presiding*.

1 (e) The author of a bill, motion, or resolution shall have the
2 privilege of closing the debate.

3 ~~Resolved by the Senate of the State of California, That Rule 36~~
4 ~~of the Standing Rules of the Senate for the 2005-06 Regular~~
5 ~~Session is amended to read:~~

6 ~~; and be it further~~

7 *SIXTEENTH—That Rule 36 is amended to read:*

8
9 Order in Debate

10
11 36. When a Senator is called to order he or she shall sit down
12 until he or she who is presiding has determined whether or not he
13 or she is in order. Every question of order shall be decided by he
14 or she who is presiding, subject to an appeal to the Senate by any
15 Senator. If a Senator is called to order for words spoken, the
16 objectionable language shall immediately be taken down in
17 writing by the Secretary of the Senate.

18 ~~; and be it further~~

19 ~~Resolved by the Senate of the State of California, That Rule 37~~
20 ~~of the Standing Rules of the Senate for the 2005-06 Regular~~
21 ~~Session is amended to read:~~

22 *SEVENTEENTH—That Rule 37 is amended to read:*

23
24 Right to Address the Senate

25
26 37. A person other than a Member of the Senate, may not
27 address the Senate while it is in session, except that the Senate
28 may resolve itself into a Committee of the Whole and, while
29 sitting as a Committee of the Whole, may be addressed by
30 persons other than Members.

31 ~~; and be it further~~

32 ~~Resolved by the Senate of the State of California, That Rule 42~~
33 ~~of the Standing Rules of the Senate for the 2005-06 Regular~~
34 ~~Session is amended to read:~~

35 *EIGHTEENTH—That Rule 42 is amended to read:*

36
37 Call of the Senate

38
39 42. Upon a motion being carried for a call of the Senate, he
40 or she who is presiding shall immediately order the doors to be

1 closed, and shall direct the Secretary to call the names of the
2 absentees as disclosed by the last previous rollcall. Thereupon, a
3 Member may not be permitted to leave the Senate Chamber
4 except by written permission of the President pro Tempore or, in
5 his or her absence, of the Assistant President pro Tempore or of
6 the Vice Chair of the Committee on Rules, or, in their absence of
7 another member of the Committee on Rules designated for that
8 purpose by the President pro Tempore or the Vice Chair of the
9 Committee on Rules. Those Members who are found to be absent
10 and for whom no excuse or insufficient excuses are made may,
11 by order of those present, be taken into custody, as they appear,
12 or may be sent for and then taken into custody by the Sergeant at
13 Arms whenever found, or by special messenger to be appointed
14 for that purpose. In the absence of a quorum, a majority of the
15 Members present may order a rollcall of the Senate and compel
16 the attendance of absentees in the manner above provided.

17 A call of the Senate may be ordered after the roll has been
18 called and prior to the announcement of the vote. A call of the
19 Senate may be dispensed with at any time upon a majority vote
20 of the Senators present, that action to become effective upon
21 completion of the rollcall and the announcement of the vote upon
22 the matter for which the call was ordered.

23 A recess may not be taken during a call of the Senate. During
24 any call, the call may be made to apply also to other items of
25 business by a motion made and adopted by a majority vote of the
26 Members present. Under those circumstances, when the call of
27 the Senate is dispensed with as to any item of business, the call is
28 deemed to be continued in effect until other items of business
29 that have been made subject to the call by a majority of the
30 Members present have been acted upon. When a call of the
31 Senate is ordered, pending the announcement of the vote upon
32 the completion of a rollcall, the pending rollcall shall become
33 unfinished business, the consideration of which shall be
34 continued until further proceedings under the call of the Senate
35 are dispensed with, when it will forthwith become the order of
36 business before the Senate.

37 A motion to adjourn is not in order during a call of the Senate.

38 ~~; and be it further~~

~~Resolved by the Senate of the State of California, That Rule 46 of the Standing Rules of the Senate for the 2005-06 Regular Session is amended to read:~~

~~NINETEENTH—That Rule 46 is amended to read:~~

Voting by Presiding Senator

46. When any Member is presiding over the Senate, he or she shall vote on rollcall the same as though he or she were not presiding.

~~; and be it further~~

~~Resolved by the Senate of the State of California, That Rule 52 of the Standing Rules of the Senate for the 2005-06 Regular Session is amended to read:~~

~~TWENTIETH—That Rule 52 is amended to read:~~

Duty of Secretary to Order Printing

52. It shall be the duty of the Secretary of the Senate, and he or she is hereby directed, to order for the Senate the necessary printing, including stationery for the Members, and to audit and approve all bills for printing to be charged to the Senate. The Secretary of the Senate shall order from the Office of State Publishing the number of copies of bills, Journals, Histories, Files, forms, and other printing as shall be necessary.

It shall further be the duty of the Secretary of the Senate to order bills and other legislative publications for which there is a demand, to be printed before the supply of same shall become exhausted.

~~Resolved by the Senate of the State of California, That Rule 53 of the Standing Rules of the Senate for the 2005-06 Regular Session is amended to read:~~

~~; and be it further~~

~~TWENTY-FIRST—That Rule 53 is amended to read:~~

Printing Only on Written Orders; Rush Orders

53. The Office of State Publishing may not charge any printing or other work to the Senate except as required by law unless he or she has a written order from the Secretary of the

1 Senate prior to beginning the printing or other work. All printing
2 orders by the Secretary of the Senate shall be delivered as
3 directed by him or her. The Secretary of the Senate may, when
4 necessity requires it, order from the Office of State Publishing
5 the printing that he or she deems necessary to be printed in
6 advance of the regular order of business, under a specially
7 prepared written order to be known as a “Rush Order.”

O